

Application No. : 10/680,938
Filed : October 7, 2003

REMARKS

Claims 28-31, 33-36 and 38-59 were pending in the application. By this paper, Applicant has cancelled Claims 55-57 without prejudice, amended Claims 28, 36, 39-41, 44, 45, 51, 58, and 59, and added new Claims 60-61. Accordingly, Claims 28-31, 33-36, 38-54, and 58-61 are presented herein for examination.

Request for Continued Examination (RCE)

By this paper, Applicant files an RCE for continued prosecution of the above-referenced application.

Allowable Subject Matter

In response to page 9 of the Office Action ("Allowable Subject Matter"), Applicant has herein added new independent Claims 60 and 61 directed generally to the invention of prior Claim 57 (including the limitations of its base claim and any intervening claims). Applicant submits that Claims 60 and 61 as presented herein distinguish over the art of record, and are in condition for allowance.

§112 Rejections

In response to the Examiner's Section 112 rejections of Claims 58 (Section 112, first paragraph) and Claims 36, 51-54, and 58 (Section 112, second paragraph) set forth on pages 2-3 of the Office Action, Applicant has herein amended Claims 36, 51, and 58 to overcome these rejections.

Regarding Claim 58, Applicant respectfully traverses the Examiner's assertion that a "low cost polymer material" is not taught in the specification as filed; see, e.g., page 21, lines 25-26 of the specification, wherein a "clear polyethylene" is described. Applicant submits that clear polyethylene is a ubiquitous and well-known low-cost polymer. Notwithstanding, Applicant has stricken these limitations from Claim 58 herein, yet reserves the right to include such limitations in the same or other claims subsequently filed.

Application No. : 10/680,938
Filed : October 7, 2003

Regarding Claim 54, Applicant respectfully traverses the Examiner's rejection that the claim is unclear. See, e.g., page 23, lines 4-5 of the specification as filed (referring to the exemplary configuration of Fig. 9), wherein the formation of "spindles" in the recess. For example, Fig. 9 shows exemplary spindle elements 920 that protrude from the ends of the spools to fit into corresponding recesses (e.g., cavities) formed in the housing. Alternatively, "male" spindle elements 920 could be formed into the housing (or attached thereto) and fit into corresponding recesses formed within the "female" ends of the spools (similar to the exemplary configuration shown in Fig. 8). As yet another alternative, the "spindle elements" may merely comprise recesses formed in the housing material that the end of each corresponding spool fits into (and rotates within). Applicant respectfully submits that each of these alternatives would be readily implemented by those of ordinary skill given Applicant's disclosure as filed.

Based on the foregoing, Applicant submits that each of the Examiner's Section 112 rejections have now been overcome.

§102 Rejections

Claim 28 - By this paper, Applicant has amended independent Claim 28 to overcome the Examiner's Section 102(b) rejection thereof over Cayer (U.S. 4,369,929). Specifically, Applicant has included limitations relating to (i) the recited housing element being substantially planar in shape, the substantially planar shape comprising a depth which is less than both a width and a length of the housing; and (ii) the recited first and second rows of spools being at least partly offset from one another in at least two dimensions. Applicant respectfully submits that Cayer neither teaches nor suggests either (i) a planar shape having such a relationship between the depth and other dimensions, or (ii) offset rows wherein the offset is in at least two dimensions.

To the contrary, Cayer teaches a substantially "square" or row/column configuration for the spools which teaches away from Applicant's recited offset in at least two dimensions; i.e., how would one form a divider (elements 40-43 in Fig. 2 of Cayer) and still achieve the recited offset in two dimensions?

Similarly, Applicant does not find any teaching or suggestion regarding a substantially planar configuration (as now defined in amended Claim 28). Applicant notes that it is the

Application No. : 10/680,938
Filed : October 7, 2003

combination of these two features (i.e., offset in two dimensions and the substantially planar configuration for the housing element) which provide the benefits of the invention of Claim 28, such benefits including *inter alia* high spatial density and low package vertical profile.

Accordingly, Applicant submits that the Examiner's Section 102 rejection of Claim 28
5 has been overcome.

Claim 40 - By this paper, Applicant has amended independent Claim 40 to overcome the Examiner's Section 102(b) rejection thereof over Cayer (and discussion on page 9 of the Office Action). Specifically, Applicant has included limitations relating to (i) disposing at least a
10 portion of the recited ribbon on a substantially elongate spool after the at least portion has been curled; and (ii) after substantially all of the uncurled ribbon had been curled and disposed on the spool, disposing the spool with curled ribbon within the recess. Applicant respectfully submits that Cayer neither teaches nor suggests such functionality (e.g., "pre-curling" of the ribbon before
it is put onto the spool); to this end, the Examiner is referred to Applicant's previous remarks
15 regarding Claim 40 in the Response filed by Applicant on Nov. 15, 2004 regarding distinctions over Cayer.

Accordingly, Applicant submits that the Examiner's Section 102 rejection of Claim 40
has been overcome.

Claim 51 - By this paper, Applicant has amended independent Claim 51 to include limitations relating to the apparatus wherein said at least one cap element is retained on said housing without use of any structures projecting out of said recess. Applicant believes that Cayer teaches only structures projecting out of the recess for this function (retention), which has a number of disabilities including (i) reduced internal or recess volume due to the presence of the
25 structure, and (ii) higher cost of manufacturing/materials due to the need for the structure.

Claim 55 - By this paper, Applicant has cancelled Claim 55 without prejudice, thereby rendering the Examiner's Section 102 rejection of this claim moot.

Application No. : 10/680,938
Filed : October 7, 2003

5 **Claim 59** - By this paper, Applicant has amended independent Claim 59 to include limitations relating to the apparatus being for dispensing pre-curved ribbon that is curled by a curling mechanism before being placed on a spool. Applicant submits that Cayer in no way teaches or suggest such functionality. Applicant further notes that the body of Claim 59 contained limitations relating to pre-curved ribbon before amendment herein.

Accordingly, Applicant submits that the Examiner's Section 102 rejection of Claim 59 has been overcome.

§103 Rejections

10 **Claim 39** - By this paper, Applicant has amended independent Claim 39 to overcome the Examiner's Section 103(a) rejection thereof over Cayer in view of Goldstein (U.S. 5,407,417) and Schwartz (U.S. 3,948,455). Specifically, Applicant has added limitations relating to the recited ribbon being wound onto the spools in a substantially helical pattern after at least a
15 portion thereof has been curled. Applicant submits that Claim 39 as amended *teaches away* from the combination of Goldstein and Cayer, since Goldstein specifically teaches the curling of the ribbon after it is unwound from the spool; see, e.g., element 16 (curling blade) in Fig. 1 of Goldstein. Goldstein in no way teaches or suggests curling of the ribbon *before* it is placed onto the spool, as set forth in amended Claim 39 herein, and hence the combination of Cayer and
20 Goldstein (and Schwartz) cannot render Claim 39 obvious, since not all of the limitations are taught or suggested.

25 **Claim 44** - By this paper, Applicant has amended independent Claim 44 to include limitations relating to the recited plurality of spools of curled ribbon having curled ribbon with a curl radius determined before winding onto the spools. Per page 7 of the Office Action, the Examiner's argument for the obviousness of Claim 44 is predicated upon the curl resulting from being wound on the spools, which Applicant submits is a completely different feature than having the curl result from a curling operation before the material is even wound onto the spool.

30 **Claim 45** - By this paper, Applicant has amended independent Claim 45 to include limitations relating to the radius of the recited spools being selected so as to be substantially

similar to that of the turns of the pre-curved ribbon before it is placed on said spools. Applicant respectfully traverses the Examiner's arguments regarding Claim 45 on page 7 of the Office Action. Specifically, the Examiner applies very circular logic, basically saying that the radius of the spool is necessarily similar to that of curl of the ribbon, since the spool effectively determines the curl when the ribbon is wound thereon. However, Applicant notes that its Claim 45 as previously presented recites that the radius of the spool being selected so as to be substantially similar to that of the pre-curved ribbon. Applicant respectfully asks the Examiner how one can possibly "select" something to be substantially similar to something pre-existing (i.e., the curl of the pre-curved ribbon), when by the Examiner's logic, that "something" (curl) does not exist until after the ribbon is wound onto the spool. Clearly it cannot, and hence the Examiner's reasoning in this regard is specious. Notwithstanding, Applicant has herein amended Claim 45 to further clarify that the radius of the spool is selected to be substantially similar to the curl radius of the pre-curved material, such curl radius being established before any winding takes place (i.e., by the curling process performed before winding onto the spool).

Applicant submits that none of the cited art teaches or fairly suggests the functionality of Claim 45 as presented herein.

Claim 58 – By this paper, Applicant has amended independent Claim 58 to include limitations relating to the recited dispenser dispensing pre-curved ribbon which maintains at least some of its pre-curl after being dispensed. Applicant notes that neither Cayer or Schwartz teach or suggest maintaining pre-curl after the material (e.g., ribbon) is dispensed. Specifically, neither Cayer nor Schwartz teach (i) pre-curved ribbon (i.e., curled before it is placed on the spool), or (ii) the pre-curved ribbon maintaining the curl imparted by pre-curling after being dispensed. Goldstein pointedly *teaches away* from the invention of Claim 58, since it teaches imparting the curl after the material is dispensed from the spool. See, e.g., Fig. 2 of Goldstein; the invention only contemplates curling the material as it is being dispensed (i.e., after it is pulled off of the spool), and in no way teaches or suggests any pre-curling before it is placed on the spool.

Hence, Applicant submits that Claim 58 as amended herein comprises patentable subject matter, and is in condition for allowance.

Application No. : 10/680,938
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Summary

Applicant respectfully submits that each of independent Claims 28, 39, 40, 44, 45, 51, 58 and 59 (and their dependent claims), as well as new Claims 60 and 61, define patentable subject matter and are in condition for allowance.

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Other Remarks

Applicant hereby specifically reserves the right to prosecute claims of different or broader scope in a continuation or divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention and responding to the aforementioned restriction election, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such claim cancellations or additions.

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Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

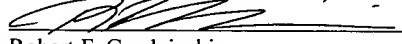
If the Examiner has any questions or comments that may be resolved over the telephone, he/she is requested to call the undersigned at (858) 675-1670.

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Respectfully submitted,

GAZDZINSKI & ASSOCIATES

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